

**BOARD POLICY****No. 912**

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**TITLE:** Equal Employment Opportunity, Disabilities, Anti-Discrimination and Anti-Harassment Policy, Anti-Retaliation, Complaint and Reporting Procedure, Whistleblower Policy

**DATE ADOPTED:** January 16, 2024

**EFFECTIVE DATE:** January 16, 2024

**SUPERSEDES:** November 2, 2018, November 17, 1992 (916); September 18, 1990 (912 & 914); and May 16, 1972 (156)

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**PURPOSE and APPLICATION:**

The following policies are designed to acquaint you with the equal employment opportunity, disabilities, anti-discrimination and anti-harassment (including sexual harassment), and anti-retaliation policies, as well as its complaint and reporting procedure, and whistleblower policy. As with all College policies, employees are required to read and comply with these policies. By their very nature, policies are general in nature and cannot be all-encompassing, nor address all possible situations. For this reason, any questions concerning any of the following policies or any other College policy, should be addressed to the chief human resources officer.

**Protected Class Defined**

From time to time within this document, as well as others, reference may be made to “protected class” which means an individual’s race, color, sex, religion, creed, national origin, ancestry, affectional and sexual orientation, gender identity or expression, political, domestic partnership, civil union or marital status, atypical hereditary or cellular blood trait, genetic information, citizenship, veteran status, age, physical or mental disability, or other basis, characteristic or trait protected by Federal or State law. Please note, to the extent any Federal and/or State law identifies additional protected classes, it is the College’s intent that its policies be read and applied as incorporating those protected classes as well.

**Equal Employment Opportunity (EEO) Policy**

Rowan College at Burlington County (“RCBC” or the “College”) is an Equal Opportunity Employer (“EOE”). The objective is to foster a safe and discrimination free workplace and educational environment in all areas of college operations and programs. The College does not discriminate in matters of hiring, promotion, transfer, discharge, pay, fringe benefits, terms, conditions or other matters of



employment on the basis of a person's protected class or other basis, characteristic or trait prohibited by law ("protected class"), except where such considerations are bona fide occupational qualifications or are otherwise permitted by law. In accordance with Title IX and other related regulations, the college does not discriminate on the basis of pregnancy, childbirth, breastfeeding, conditions arising from pregnancy or recovery from any pregnancy related conditions. Additionally, the College does not discriminate based upon association with a member of a protected class. Regardless of when or where it takes place, if you have a good faith belief that you have, or another individual has, been subjected to unlawful discrimination, harassment or unfair treatment, please use the Complaint and Reporting Procedure detailed below. If you learn that a vendor, contractor, student or other non-employee believes they have been subject to discriminatory or unlawful treatment by the College or its employees, please promptly report the manner in accordance with the Complaint and Reporting Procedure detailed below.

All RCBC employees share in the responsibility for assuring that by their personal actions the policies are effective and apply uniformly to everyone. Any employee involved in unlawful discrimination or harassment will be subject to corrective action up to and including termination.

### **Disabilities and the College**

The College complies with all applicable provisions of the Americans with Disabilities Act ("ADA") and State laws governing disability discrimination and will not discriminate against any qualified employee, job applicant, client, consumer, vendor, contractor, or other non-employee with respect to any terms, privileges or conditions of employment or contract because of a person's physical or mental disability. The College will also reasonably accommodate a disabled person provided that the individual is otherwise qualified to safely perform the essential duties and assignments required for the job and provided that any accommodation does not impose an undue hardship on the College.

Regardless of when or where it takes place, if you believe you have been subjected to, or become aware of another individual who has been subjected to, discrimination or unlawful harassment based upon that person's disability, please promptly report it by following the Complaint and Reporting Procedure detailed below.

Please immediately direct all other disability-related issues or inquiries to the chief human resources officer. In the event your supervisor is not available, contact another supervisor. This includes any matter involving a request or need for an accommodation in order to complete the application process, perform one's job duties, obtain access to any of the College's facilities or similar issues. Please understand that these types of matters can involve many legal complexities and therefore, employees are not authorized to make any statement, comment or attempt to address the matter. Instead, you must promptly refer it to the chief human resources officer, who shall assess and direct all action deemed appropriate.

All college employees share in the responsibility for assuring that by their personal actions, the policies are effective and apply uniformly to everyone. Any employee, including managers and supervisors, involved in unlawful discrimination will be subject to corrective action up to and including termination.

## **Anti-Discrimination and Anti-Harassment Policy (including Sexual Harassment)**

The College does not tolerate any form of unlawful discrimination or harassment in the workplace because of a person's protected class (defined above). Additionally, the College does not tolerate unlawful discrimination or harassment based upon an individual's association with a member of a protected class.

The College expects all RCBC employees, College officials, department heads, and supervisors to treat other individuals, including other employees, as well as students, volunteers, guests, vendors, suppliers, contractors, other non-employees, and others not directly connected with the College (collectively referred to as "non-employees") with respect and courtesy, both in their speech and in their conduct. Likewise, the College expects all non-employees to treat our employees with respect and courtesy in their speech and conduct.

Please note, a determination that a particular matter does not equate with unlawful harassment or discrimination does not foreclose disciplinary action, up to and including discharge, based on the same events.

If any employee of the College forms a good faith belief that he or she is the victim of unlawful discrimination or harassment by another employee or by a person not employed by the College, or if an employee learns of unlawful harassment or discriminatory treatment of another, the College strongly encourages the employee to report the matter to their supervisor, their department head, division director, the appropriate Affirmative Action officer, or the chief human resources officer, as soon as possible in accordance with the Complaint and Reporting Procedure provided below.

The College strongly encourages its employees to promptly report any harassment, threats or acts of intimidation experienced or witnessed on or off its premises which are connected to the College. All complaints will be investigated to the extent warranted, and all employees contacted are expected to cooperate in the investigation. Similarly, during the course of or in connection with their employment by the College, employees are prohibited from engaging in unlawful discrimination or harassment against non-employees.

This policy applies to all incidents of unlawful harassment or discrimination, including instances which occur off premises or off-hours. As noted above, while the College may conclude that reported conduct is not "unlawful," the employee may nonetheless be subject to discipline.

Discussed below are a few examples of the type of conduct prohibited by the College.

Unlawful harassment or discrimination includes:

1. Unwelcome sexual advances: Unwelcome sexual advances mean and include any type of request for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, directed at an employee because of that person's sex, sexual or affectional orientation, gender identity or expression, or sexual preference, especially where and if the following are also involved:
  - submission to such conduct is made either explicitly or implicitly a term of condition of employment; or
  - submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or

- such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
  - Sexual harassment can include harassment between individuals of the same gender.
  - Sexual harassment may include, but is not limited to, repeated offensive or unwelcome sexual advances; subtle or overt pressure for sexual favors; sexual jokes; verbal comments or innuendo of a sexual nature; propositions or advances; graphic commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, touching, pinching or other physical touching; suggestive, insulting or obscene comments or gestures; display of sexually suggestive objects or pictures.
2. Unlawful discrimination, including, but not limited to, unlawful harassment, includes a wide range of obvious and subtle comments and conduct. Depending on the circumstances, it may include, but is not limited to, comments, jokes, insults, slurs, derogatory statements, drawings, pictures or cartoons, innuendoes, other statements or conduct directed at or treatment of another, based upon their protected class status or association with a member of a protected class. Unlawful harassment can be verbal or written.

This policy, and the Complaint and Reporting Procedure that follows, apply to all employees and non-employees. This policy prohibits employees and non-employees from engaging in or encouraging unlawful discrimination or harassment of College employees and students in violation of this policy.

All employees of the College share in the responsibility for assuring that by their personal actions the policies are effective and apply uniformly to everyone. Any employees involved in unlawful discrimination will be subject to corrective action up to and including termination.

### **Anti-Retaliation**

No person who reports unlawful harassment, discrimination, retaliation or other unlawful conduct, or who furnishes information or testimony with respect to the occurrence of such matters, shall be subject to retaliation in any form from the College, College officials, division directors, department heads, supervisors, employees, volunteers, other non-employees, or students. Regardless of when or where it takes place, if you have a good faith reasonable belief that you have been subjected to, or become aware of another individual who has been subjected to, retaliation in violation of this policy, the College urges you to promptly report it directly to the chief human resources officer or the College President.

Retaliation can take different forms including, but not limited to, discouraging the making, filing, pursuit or participation in an investigation of a complaint made to the College or a Federal or State agency, as well as written or oral statements, conduct, threats of harm or intimidation, or other behavior which negatively affects a person's work environment, pay, or other terms, conditions or privileges with the College. If an employee or nonemployee makes a complaint about you, do not take any action or otherwise engage that individual with respect to their complaint.

Instead, allow the College to address the matter in order to avoid another issue or dispute from arising. The College forbids any form of retaliation against an employee or nonemployee for



making a complaint. All College employees share in the responsibility for assuring that by their personal actions the College's policies are effective and apply uniformly to everyone. Accordingly, any College officials, division directors, department heads, supervisors, employees, volunteers, other non-employees or students involved in retaliation will be subject to corrective action up to and including termination. The College will likewise take appropriate action for retaliatory acts committed by outsiders which are directed to a College employee or student.

### **Complaint and Reporting Procedure**

This complaint and reporting procedure applies to all employee or non-employee complaints or reports of improper conduct involving unlawful discrimination, harassment, retaliation, threats of harm or intimidation or other matters involving the College. As with all College policies, if you are uncertain or unclear regarding any aspect of the Complaint and Reporting Procedure, or have any other questions, contact the chief human resources officer.

For instances involving you, personally, the College encourages you to communicate directly with the alleged wrongdoer, and make it clear that his/her behavior is unacceptable, but you are not required to do so.

In all instances, anyone who feels he or she is a victim or witnesses or wishes to report any of the conduct identified within the College's EEO or Anti-Discrimination and Anti-Harassment Policies, by any employee or a non-employee, the employee should bring the matter to the immediate attention of his/her supervisor. If that would prove to be uncomfortable, or in the event the alleged perpetrator is his/her supervisor, you may bring your complaint to your department head or division director, the appropriate Affirmative Action officer, or the chief human resources officer.

If your complaint or report concerns retaliation or a violation of the College's Whistleblowing Policy, then promptly report it directly to the chief human resources officer, Senior Vice President of Administration and Operations, or the College President.

Every effort will be made to promptly investigate all allegations of unlawful discrimination, harassment or retaliation as confidentially as possible and to take appropriate corrective action, if warranted. This is not a guarantee that all matters will remain confidential as to all persons at all times. Any employee who is determined, after an investigation, to have engaged in conduct which violates this or another College policy will be subject to appropriate disciplinary action, up to and including discharge.

### **Whistleblower Policy**

The College is dedicated to its obligations under Federal and State laws and will not tolerate retaliatory action or reprisal (e.g., demotion, suspension, termination or other retaliatory action) against an employee who refuses to participate in unlawful or unethical activity, discloses unlawful activity or reports acts of discrimination or unlawful harassment.

Among other things, the College does not allow retaliation or reprisal against an employee based upon the following:



- The employee discloses or threatens to disclose to a supervisor or to a public body an activity, policy or College initiative that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- The employee provides information to, or testifies before, any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- The employee objects to, or refuses to participate, in any activity, policy, or College initiative that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

If one has a complaint of this nature, questions or desires further information, he/she should promptly contact the College's chief human resources officer or Senior Vice President for Administration and Operations.

A handwritten signature in black ink, appearing to read "Tiff G.", written over a horizontal line.

President

02/21/2024

Date:

A handwritten signature in blue ink, reading "Anthony C. Wright", written over a horizontal line.

Chairman

02/21/2024

Date: